Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

Final

AIR QUALITY PERMIT

Issued under 401 KAR 52:030

Permittee Name:	**TransMontaigne Product Services, Inc. - Owensboro Terminal**
Mailing Address:	**900 Pleasant Valley Road, Owensboro, KY 42303**
Source Name:	**TransMontaigne Product Services, Inc. - Owensboro Terminal**
Mailing Address:	**900 Pleasant Valley Road Owensboro, KY 42303**
Source Location:	**900 Pleasant Valley Road**
Permit ID:	**F-06-068**
Agency Interest #:	**969**
Activity ID:	**APE20040002**
Review Type:	**Conditional Major / Synthetic Minor, Operating**
Source ID:	**21-059-00127**
Regional Office:	**Owensboro Regional Office 3032 Alvey Park Dr. W., Suite 700 Owensboro, KY 42303 (270) 687-7304**
County:	**Daviess**
Application Complete Date:	**February 12, 2007**
Issuance Date:	**May 3, 2007**
Revision Date:	
Expiration Date:	**May 3, 2012**

John S. Lyons, Director
Division for Air Quality

Revised 09/29/06

TABLE OF CONTENTS

	Permit type	**Log or Activity#**	**Complete Date**	**Issuance Date**	**Summary of Action**
F-06-068	**Initial Issuance**	**APE20060001**	**2/12/2007**	**TBD**	**Initial Conditional Major Operating Permit**

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01 (T-17-6) Internal Floating Roof Gasoline or Lower Vapor Pressure Storage Tank
Product Stored: Gasoline
Capacity: 705,180 gallons
Installation Date: 1972

03 (T-3-1) Internal Floating Roof Lower Vapor Pressure (less than 1.5 psi) Storage Tank
Product Stored: Diesel
Capacity: 132,972 gallons
Installation Date: 1951

(T-5-3) Vertical Fixed Roof Lower Vapor Pressure (less than 1.5 psi) Storage Tank
Product Stored: Diesel
Capacity: 191,352 gallons
Installation Date: 1951

(T-6-2) Vertical Fixed Roof Lower Vapor Pressure (less than 1.5 psi) Storage Tank
Product Stored: Diesel
Capacity: 259,434 gallons
Installation Date: 1949

(T-11-4) Vertical Fixed Roof Lower Vapor Pressure (less than 1.5 psi) Storage Tank
Product Stored: Diesel
Capacity: 474,852 gallons
Installation Date: 1940

APPLICABLE REGULATIONS:

The source has elected to accept annual limits in order to preclude applicability of 401 KAR 51:017, *Prevention of Significant Deterioration of Air Quality*, and 401 KAR 52:020, *Title V Permits*.

401 KAR 63:020, *Potentially Hazardous Matter or Toxic Substances*, applies to sources which emit or may emit potentially hazardous or toxic substances.

1. **Operating Limitations:**
   None

2. **Emission Limitations:**
   See Section **D.3, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compound (VOC) emission limitations.

   ***Compliance Demonstration Method*:**
   See **Section D.3, Source Emission Limitations, *Compliance Demonstration Method***.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Testing Requirements:
None

4. Specific Monitoring Requirements:
See Specific **Record Keeping Requirements 5.** below**.**

5. Specific Record Keeping Requirements:

a. For each tank the permittee shall maintain a record of the type and amount of liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period. Such records shall be provided to the Division upon request.

b. See Section **D.4** and **Section F.2** for further requirements**.**

6. Specific Reporting Requirements:
See **Section F.5 and F.9** for requirements.

7. Specific Control Equipment Operating Conditions:
None.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

02 (T-60-5) Internal Floating Roof Gasoline or Lower Vapor Pressure Storage Tank
Product Stored: Gasoline
Capacity: 2,520,000 gallons
Installation Date: 1996

07 (T-50-7) Vertical Fixed Roof Lower Vapor Pressure (less than 1.5 psi) Storage Tank
Product Stored: Diesel
Capacity: 2,100,000 gallons
Installation Date: 1997

08 (T-A) Vertical Fixed Roof Additive Storage Tank
Product Stored: Additive
Capacity: 21,000 gallons
Installation Date: 1996

APPLICABLE REGULATIONS:

401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart Kb, *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.* This rule applies to each of the three storage vessels specified above.

1. **Operating Limitations:**

The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 m^3 but less than 151 m^3 containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following: [40 CFR 60.112b(a)(i)-(ix)]

a. A fixed roof in combination with an internal floating roof meeting the following specifications:

i. The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

ii. Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof

(A) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

(B) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

(C) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

iii. Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

iv. Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

v. Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

vi. Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

vii. Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.

viii. Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

ix. Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

Compliance Demonstration Method:
Refer to **4. Specific Monitoring Requirements, 5. Specific Recordkeeping Requirements,** and **6. Specific Reporting Requirements.**

2. Emission Limitations:
See Section **D.3, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compound (VOC) emission limitations.

3. Testing Requirements:
None

4. Specific Monitoring Requirements:
After installing the control equipment required to meet 40 CFR 60.112b(a)(1) (permanently affixed roof and internal floating roof), the permittee shall: [40 CFR 60.113b(a)]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

a. Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.
b. For Vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Division in the inspection report required in 40 CFR 60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.
c. For vessels equipped with a double-seal system as specified in 40 CFR 60.112b(a)(1)(ii)(B):
    i. Visually inspect the vessel as specified in paragraph (a)(4) of 40 CFR 60.113b at least every 5 years; or
    ii. Visually inspect the vessel as specified in paragraph (a)(2) of 40 CFR 60.113b.
d. Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (a)(2) and (a)(3)(ii) of 40 CFR 60.113b and at intervals no greater than 5 years in the case of vessels specified in paragraph (a)(3)(i) of 40 CFR 60.113b.

5. Specific Recordkeeping Requirements:

The owner or operator of each storage vessel as specified in 40 CFR 60.112b(a) shall keep records and furnish reports as required by paragraphs (a), (b), or (c) of 40 CFR 60.115b depending upon the control equipment installed to meet the requirements of 40 CFR 60.112b. The owner or operator shall keep copies of all reports and records required by 40 CFR 60.115b, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment. [40 CFR 60.115b]

a. After installing control equipment in accordance with 40 CFR 60.112b(a)(1) (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

i. Furnish the Division with a report that describes the control equipment and certifies that the control equipment meets the specifications of 40 CFR 60.112b(a)(1) and 40 CFR 60.113b(a)(1). This report shall be an attachment to the notification required by 40 CFR 60.7(a)(3).
ii. Keep a record of each inspection performed as required by 40 CFR 60.113b (a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).
iii. If any of the conditions described in 40 CFR 60.113b(a)(2) are detected during the annual visual inspection required by 40 CFR 60.113b(a)(2), a report shall be furnished to the Division within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.
iv. After each inspection required by 40 CFR 60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in 40 CFR 60.113b(a)(3)(ii), a report shall be furnished to the Division within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of 40 CFR 61.112b(a)(1) or 40 CFR 60.113b(a)(3) and list each repair made

b. After installing control equipment in accordance with 40 CFR 61.112b(a)(2) (external floating roof), the owner or operator shall meet the following requirements.
i. Furnish the Division with a report that describes the control equipment and certifies that the control equipment meets the specifications of 40 CFR 60.112b(a)(2) and 40 CFR 60.113b(b)(2), (b)(3), and (b)(4). This report shall be an attachment to the notification required by 40 CFR 60.7(a)(3).
ii. Within 60 days of performing the seal gap measurements required by 40 CFR 60.113b(b)(1), furnish the Division with a report that contains:
(A) The date of measurement.
(B) The raw data obtained in the measurement.
(C) The calculations described in 40 CFR 60.113b (b)(2) and (b)(3).
iii. Keep a record of each gap measurement performed as required by 40 CFR 60.113b(b). Each record shall identify the storage vessel in which the measurement was performed and shall contain:
(A) The date of measurement.
(B) The raw data obtained in the measurement.
(C) The calculations described in 40 CFR 60.113b (b)(2) and (b)(3).
iv. After each seal gap measurement that detects gaps exceeding the limitations specified by 40 CFR 60.113b(b)(4), submit a report to the Division within 30 days of the inspection. The report will identify the vessel and contain the information specified in paragraph (b)(2) of 40 CFR 60.115b and the date the vessel was emptied or the repairs made and date of repair.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

a. The permittee shall notify the Division in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (a)(1) and (a)(4) of 40 CFR 60.113b to afford the Division the opportunity to have an observer present. If the inspection required by paragraph (a)(4) of 40 CFR 60.113b is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the storage vessel, the owner or operator shall notify the Division at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Division at least 7 days prior to the refilling. [40 CFR 60.113b(a)(5)]

b. Refer to **5. Specific Recordkeeping Requirements.**

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

05 (BRG-1) Barge Loading:
Construction Date: 1950's
Control Device: None
Maximum throughput (gal/yr): 441,504,000
Material: Diesel Fuel (distillate)

APPLICABLE REGULATIONS:

The source has elected to accept annual limits in order to preclude applicability of 401 KAR 51:017, *Prevention of Significant Deterioration of Air Quality*, and 401 KAR 52:020, *Title V Permits*.

401 KAR 63:020, *Potentially Hazardous Matter or Toxic Substances,* applies to sources which emit or may emit potentially hazardous or toxic substances.

NON-APPLICABLE REGULATIONS:

40 CFR Part 63 Subpart Y, *National Emission Standards for Marine Vessel Loading and Unloading Operations*. The MACT requirements of this rule do not apply since the source has accepted voluntary limits on the PTE to less than 10 tons per year (tpy) for any individual hazardous air pollutant (HAP) and 25 tpy for the combined HAPs. See **SECTION – D SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide requirements. The source does not conduct gasoline or crude barge loading. Therefore, the requirements for the RACT standard (40 CFR 63.560(b)) are not applicable.

1. **Operating Limitations:**
   The total distillate throughput at E05 (BRG-1) shall be limited such that the permittee is in compliance with the emission limitations specified at **2. Emission Limitations**.

2. **Emission Limitations:**
   See Section **D.3, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compound (VOC) emission limitations.

   ***Compliance Demonstration Method*:**
   See **Section D.3, Source Emission Limitations, *Compliance Demonstration Method***.

3. **Testing Requirements:**
   None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Specific Monitoring Requirements:
See **5. Specific Recordkeeping Requirements.**

5. Specific Recordkeeping Requirements:

a. The permittee shall maintain a log of the date of all barge loading, total amount of material loaded, and vapor pressure.
b. See Section **D.4** and **Section F.2** for further requirements**.**

6. Specific Reporting Requirements:

a. Report the volume of liquid loaded out by barge on a tanker-by-tanker basis. Calculate emissions from the loading operation using the most current guidance provided in AP-42. Records shall be maintained on site for a period of five (5) years after each record is recorded, and the permittee shall provide these records to Division or regional office personnel upon request.
b. Refer to **Specific Recordkeeping Requirements 5.a.**
c. See **Section F.5 and F.9** for requirements.

7. Specific Control Equipment Operating Conditions:
None

8. Alternate Operating Scenarios:
None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

04 (LR-1) **Loading Rack:**

One (1) Two-Bay Tank Truck Loading Rack with seven (7) loading arms and associated pipeline equipment
Construction Date: 1997

Material	Maximum Loaded
Diesel Fuel (distillate)	90,000 gal/hr (420,480,000 gal/yr)
Conventional Gasoline	168,000 gal/hr (380,000,000 gal/yr)

Control: John Zink Vapor Combustion Unit (VCU)
Construction Date: 1996

06 (FUG-1) **Fugitives**

Components of fugitive emissions from loading racks and equipment are listed below.
Construction date:1996
Controls: None
Equipment component count:

Component Type	Service	No. of Components
Valves	Light Liquid	25
Loading Arm Valves	Light Liquid	4
Fittings (Flanges,	Light Liquid	128
Pump Seals	Light Liquid	6
TOTAL		163

NOTE - The equipment component count listed above reflects an accurate count of the equipment as of the date of issuance of this permit but is not intended to limit the permittee to the exact numbers specified. The permittee may add or remove pipeline equipment without a permit revision as long as the equipment continues to comply with the requirements listed below.

APPLICABLE REGULATIONS:

401 KAR 60:005, Section 3, incorporating by reference 40 CFR 60.500 to 60.506 [Subpart XX], *Standards of Performance for Bulk Gasoline Terminals*, applies to the emission points listed above.

REGULATIONS NOT APPLICABLE:

40 CFR 63, Subpart R, *National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)*, does not apply since the source has accepted voluntary limits on the PTE to less than 10 tons per year (tpy) for any individual hazardous air pollutant (HAP) and 25 tpy for the combined HAPs. See **SECTION – D SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide requirements.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1. Operating Limitations:

a. Each affected facility shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading. [40 CFR 60.502(a)]

b. Each vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack. [40 CFR 60.502(d)]

c. Loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks using the following procedures [40 CFR 60.502(e)]:
   (1) The owner or operator shall obtain the vapor tightness documentation described in 40 CFR 60.505(b) for each gasoline tank truck that is to be loaded at the affected facility. [40 CFR 60.502(e)(1)]
   (2) The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility [40 CFR 60.502(e)(2)].
   (3) The owner or operator shall cross-check each tank identification number obtained in item (c)(2) above with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded. [40 CFR 60.502(e)(3)(i)]
   (4) The terminal owner or operator shall notify the owner or operator of each nonvapor-tight gasoline tank truck loaded at the affected facility within 3 weeks after the loading has occurred. [40 CFR 60.502(e)(4)]
   (5) The terminal owner or operator shall take steps assuring that the nonvapor-tight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained. [40 CFR 60.502(e)(5)]
   (6) Alternate procedures to those described in paragraphs (e)(1) through (5) of 40 CFR 60.502 for limiting gasoline tank truck loadings may be used upon application to, and approval by, the Division. [40 CFR 60.502(e)(6)]

d. The owner or operator shall act to assure that loading of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system. [40 CFR 60.502(f)]

e. The owner or operator shall act to assure that the terminal and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks. [40 CFR 60.502(g)]

f. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 Pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in **Testing Requirements 3.d** below. [40 CFR 60.502(h)]

g. No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 Pascals (450 mm of water). [40 CFR 60.502(i)]

Compliance Demonstration Method:

Refer to **4**. **Specific Monitoring Requirements** below.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations:

a. The emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded, except as noted in paragraph (c) of 40 CFR 60.502. [40 CFR 60.502(b)]

b. See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide emission limitations.

Compliance Demonstration Method:

a. Compliance with the emission limitation was demonstrated from the initial performance test on January 7, 1997. Refer to **Subsection 3**. **Testing Requirements** for future demonstration of compliance.

b. See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS, 3. Emission Limitations, *Compliance Demonstration Method.***

3. Testing Requirements:

The permittee shall perform emissions testing within 180 days of the issuance of the final permit in order to demonstrate compliance with **Emission Limitations 2.a** of this permit. The testing shall be performed in accordance with the procedures or methods of 40 CFR 60.503, as provided below.

a. In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in 40 CFR 60.503, except as provided in 40 CFR 60.8(b). The three-run requirement of 40 CFR 60.8(f) does not apply to this subpart.

b. Immediately before the performance test required to determine compliance with 40 CFR 60.502 (b), (c), and (h), the owner or operator shall use Method 21 to monitor for leakage of vapor at all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded. The owner or operator shall repair all leaks with readings of 10,000 ppm (as methane) or greater before conducting the performance test.

c. The owner or operator shall determine compliance with the standards in 40 CFR 60.502 (b) and (c) as follows:

(1) The performance test shall be 6 hours long during which at least 300,000 liters of gasoline is loaded. If this is not possible, the test may be continued the same day until 300,000 liters of gasoline is loaded or the test may be resumed the next day with another complete 6-hour period. In the latter case, the 300,000-liter criterion need not be met. However, as much as possible, testing should be conducted during the 6-hour period in which the highest throughput normally occurs.

(2) If the vapor processing system is intermittent in operation, the performance test shall begin at a reference vapor holder level and shall end at the same reference point. The test shall include at least two startups and shutdowns of the vapor processor. If this does not occur under automatically controlled operations, the system shall be manually controlled.

(3) The emission rate (E) of total organic compounds shall be computed using the following equation:

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

$$E = \frac{K \sum (V_{esi} C_{ei})}{L 10^{6}}$$

Where:

E = emission rate of total organic compounds, mg/liter of gasoline loaded.
V_{esi} = volume of air-vapor mixture exhausted at each interval "I", scm.
C_{ei} = concentration of total organic compounds at each interval "I", ppm.
L = total volume of gasoline loaded, liters.
n = number of testing intervals.
i = emission testing interval of 5 minutes.
K = density of calibration gas, 1.83×10^{6} for butane, mg/scm.

(4) The performance test shall be conducted in intervals of 5 minutes. For each interval "i", readings from each measurement shall be recorded, and the volume exhausted (Vesi) and the corresponding average total organic compounds concentration (Cei) shall be determined. The sampling system response time shall be considered in determining the average total organic compounds concentration corresponding to the volume exhausted.

(5) The following methods shall be used to determine the volume (Vesi) air-vapor mixture exhausted at each interval:
   i. Method 2B shall be used for combustion vapor processing systems.
   ii. Method 2A shall be used for all other vapor processing systems.

(6) Method 25A or 25B shall be used for determining the total organic compounds concentration (Cei) at each interval. The calibration gas shall be either propane or butane. The owner or operator may exclude the methane and ethane content in the exhaust vent by any method (e.g., Method 18) approved by the Division.

(7) To determine the volume (L) of gasoline dispensed during the performance test period at all loading racks whose vapor emissions are controlled by the processing system being tested, terminal records or readings from gasoline dispensing meters at each loading rack shall be used.

d. The owner or operator shall determine compliance with the standard in 40 CFR 60.502 (h) as follows:

(1) A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with ∀2.5 mm of water precision, shall be calibrated and installed on the terminal's vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck.

(2) During the above performance test, the pressure shall be recorded every 5 minutes while a gasoline truck is being loaded; the highest instantaneous pressure that occurs during each loading shall also be recorded. Every loading position must be tested at least once during the performance test.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Specific Monitoring Requirements:

a. Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected. [40 CFR 60.502(j)]

b. The permittee shall maintain a log of the dates of material loading, the type and amount of total material loaded, and the monthly and 12-month throughput of gasoline at the loading rack.

c. Refer to **Testing Requirements 3.d(1).**

d. Also, refer to **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**.

5. Specific Recordkeeping Requirements:

a. The tank truck vapor tightness documentation required under 40 CFR 60.502(e)(1) shall be kept on file at the terminal in a permanent form available for inspection. [40 CFR 60.505(a)]

b. The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27 of 40 CFR 60 Appendix A. This documentation shall include, as a minimum, the following information: [40 CFR 60.505(b)]
   (1) Test title: Gasoline Delivery Tank Pressure Test EPA Reference Method 27.
   (2) Tank owner and address.
   (3) Tank identification number.
   (4) Testing location.
   (5) Date of test.
   (6) Tester name and signature.
   (7) Witnessing inspector, if any: name, signature, and affiliation.
   (8) Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs).

c. A record of each monthly leak inspection required under 40 CFR 60.502(j) shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information: [40 CFR 60.505(c)]
   (1) Date of inspection.
   (2) Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).
   (3) Leak determination method.
   (4) Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
   (5) Inspector name and signature.

d. The terminal owner or operator shall keep documentation of all notifications required under 40 CFR 60.502(e)(4) on file at the terminal for at least 5 years. [401 KAR 52:020, Section 10; 40 CFR 60.505(d)]

e. The owner or operator shall keep records of all replacements or additions of components performed on an existing vapor processing system for 5 years. [401 KAR 52:020, Section 10; 40 CFR 60.505(f)]

f. Maintain monthly and 12-month records of gasoline throughput.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

g. Refer to **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS** items 5 and 10.

6. Specific Reporting Requirements:

Records required under each section shall be maintained on site for a period of five (5) years after each is recorded, and the permittee shall provide these records to Division or regional office personnel upon request

7. Specific Control Equipment Operating Conditions:

In order to comply with 401 KAR 52:030, the permittee shall provide reasonable assurance of compliance with the VOC emission limitations or standards for gasoline truck loading operations utilizing a vapor combustion unit control system as follows:

a. The permittee shall install and maintain a thermocouple or any other equivalent device, including an ultraviolet flame detector (UFD), to detect and continuously monitor for the presence of a pilot flame.

b. The permittee shall monitor the vapor combustion unit (VCU) as follows:
   i Monitor the UFD controller logic signal at all times of gasoline loading to ensure that the VCU is in operation and a flame is present, and record all excursions when the UFD signal is not detected during loading and the response steps taken to repair and correct the system.
   ii Monitor and record the hydrocarbon vapor pressure in the line to the VCU shall be performed daily during normal working operational hours when gasoline loading is occurring, and record all instances of pressure relief valve opening and collection system bypass.
   iii Monitor and record the temperature in the combustion zone daily during normal working operational hours when gasoline loading is occurring.
   iv Perform a daily inspection of the VCU for flame presence and flame appearance during normal working operational hours when gasoline loading is occurring.
   v Perform a qualitative visual observation of the opacity emissions from the VCU stack on a weekly basis during gasoline loading and flame presence. The VCU shall have no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. If visible emissions from the stack are seen, then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of the control system for all necessary repairs.
   vi Monthly inspections and routine maintenance performed on the system as required per **4.a Specific Monitoring Requirements**.

8. Alternate Operating Scenarios:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

EP#	Description	Generally Applicable Regulation
(--)	Surface painting of tanks	401 KAR 61:020
08 (T-B)	Horizontal Fixed Roof Additive Storage Tank Product Stored: Additive Capacity: 3,990 gallons Installation Date: 1996	None
08 (T-C)	Vertical Fixed Roof Storage Tank Product Stored: Petroleum Contact Water (PCW) Capacity: 11,676 gallons Installation Date: November 2006	None
(T-D)	Horizontal Tote Tank Product Stored: Red Dye Additive Capacity: 350 gallons Installation Date: Proposed 2007	None
(T-E)	Vertical Fixed Roof Tank Product Stored: Petroleum Contact Water (PCW) Capacity: 8,000 gallons Installation Date: Proposed 2007	None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

2. Volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.

3. **Source Emission Limitations:**

a. To preclude the applicability of 401 KAR 52:020, *Title V permits*, and 401 KAR 51:017, *Prevention of Significant Deterioration of Air Quality*, the total annual source-wide emissions shall not exceed the following limitations on a twelve (12) consecutive month basis.

i. Volatile organic compound (VOC) emissions shall not equal or exceed 90 tons per twelve (12) consecutive month basis;

ii. Emissions of any single hazardous air pollutants (HAP) shall not exceed 9 tons per twelve (12) consecutive month basis; and

iii. Emissions of combined hazardous air pollutant (HAPs) shall not exceed 22.5 tons per twelve (12) consecutive month basis.

Compliance with these limitations also shall make this facility an area source of HAP emissions as defined in 40 CFR 63.2, and the requirements of 40 CFR 63, Subpart R, *National Emissions Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)*, shall not apply.

b. Pursuant to 401 KAR 63:020, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

Compliance Demonstration Method:

Calculate annual source-wide emissions from all storage and loading operations for each month of the previous 12-month period (i.e.: for the month of January, the compliance demonstration shall be completed in February and shall include all data from February of the previous year to the last day of January). The monthly compliance demonstration shall include, at a minimum, the following:

a. The monthly and consecutive 12-month throughput of each product at each emission unit specified in paragraph b. below.

b. The monthly and consecutive 12-month VOC, individual HAP and combined HAP emission rates from the following operations:

i. Petroleum Product Storage Tanks, EP 01(T-17-6), EP 03 [(T-3-1), (T-5-3), (T-6-2), (T-11-4), EP 08 (T-B), EP 02 (T-60-5), EP 07 (T-50-7), EP08 (T-A), EP08 (T-C);

ii. Loading Rack, EP 04 (LR-1);

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

iii. Barge Loading, EP 05 (BRG-1)
iv. Fugitives, EP 06 (FUG-1)
v. Insiginificant Activities

All emission calculations shall be based on the Compliance Demonstration Methods specified in Section B for the respective emission point, or standard USEPA methodology (i.e.: the most current TANKS program for tanks, AP-42 emissions factors for refinery fuel combustion units and loading operation), fugitive emissions are calculated based on API's *Fugitive Emissions from Equipment Leaks II: Calculation Procedures for Petroleum Industry Facilities*, and appropriately summing the product of the weight percent of VOC and each HAP in the organic material emissions for each emission point. The permittee shall use the value for VCU control efficiency as determined by the most recent performance tests conducted in accordance with Section B to EP04.

4. Source Recordkeeping Requirements:
Actual VOC and HAP emissions from each emission point shall be determined and recorded on a monthly basis in accordance with **3. Source Emission Limitations, Compliance Demonstration Method**. The permittee shall maintain records onsite such that they are readily accessible. These records shall indicate the throughput volume of each type of product per storage tank (gallons per month) and the measured loading rack and barge loading throughput volume (gallons per month) of each type of product and the permittee shall provide these records to Division personnel upon request.

5. Source Reporting Requirements:
The permittee shall collect a sample of gasoline or other liquid commodity stored at this plant and provide a HAPs content analysis at the request of Division personnel. The results shall be reported in terms of weight percent of each HAP as defined by Regulation 401 KAR 63:060. The permittee shall complete the analysis and report the results to the Division's central office in Frankfort within 30 days of a written request to collect and analyze the sample.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
   a. Date, place (as defined in this permit), and time of sampling or measurements;
   b. Analyses performance dates;
   c. Company or entity that performed analyses;
   d. Analytical techniques or methods used;
   e. Analyses results; and
   f. Operating conditions during time of sampling or measurement.

2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
   a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
   b. To access and copy any records required by the permit:
   c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

   Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.

7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
   a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
   b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.

8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

9. Pursuant to 401 KAR 52:030, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
   a. Identification of the term or condition;
   b. Compliance status of each term or condition of the permit;
   c. Whether compliance was continuous or intermittent;
   d. The method used for determining the compliance status for the source, currently and over the reporting period.
   e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Drive, W. Suite 700
Owensboro, KY 42303

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401 KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission report is not mailed to the permittee, the permittee shall comply with all other emission reporting requirements in this permit.

11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:

a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
   (1) The size and location of both the original and replacement units; and
   (2) Any resulting change in emissions;
b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
d. The replacement unit shall comply with all applicable requirements; and
e. The source shall notify Regional office of all shutdowns and start-ups.
f. Within six (6) months after installing the replacement unit, the owner or operator shall:
   (1) Re-install the original unit and remove or dismantle the replacement unit; or
   (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

   a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

   b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

   c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
      (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
      (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
      (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

      Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

   d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

   e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].

g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].

l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.

n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.

o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

SECTION G - GENERAL PROVISIONS (CONTINUED)

p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
(1) Applicable requirements that are included and specifically identified in this permit; and
(2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].

b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).

b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

No construction authorized by this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

5. Testing Requirements

   a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.

   b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.

   c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

   If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

   a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
      (1) An emergency occurred and the permittee can identify the cause of the emergency;
      (2) The permitted facility was at the time being properly operated;
      (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
      (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
      (5) Notification of the Division does not relieve the source of any other local, state or federal

SECTION G - GENERAL PROVISIONS (CONTINUED)

notification requirements.

b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].

c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].

8. Ozone depleting substances

a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
   (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
   (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
   (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
   (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
   (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
   (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

   a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

      RMP Reporting Center
      P.O. Box 1515
      Lanham-Seabrook, MD 20703-1515.

   b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None